

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

EDWARD BRAGGS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	2:14cv601-MHT
)	(WO)
JEFFERSON S. DUNN, in his)	
official capacity as)	
Commissioner of)	
the Alabama Department of)	
Corrections, et al.,)	
)	
Defendants.)	

PHASE 1 ORDER PRELIMINARILY APPROVING
FURTHER PROPOSED MODIFICATIONS TO ADA CONSENT DECREE

This court previously preliminarily approved the parties' joint proposed modifications to the Phase 1 consent decree. See Order (doc. no. 2671). The court now has under submission the parties' joint motion to further modify the Phase 1 consent decree due to an operational change at ADOC. See Joint Motion (doc. no. 2748). In short, death row inmates at Donaldson Correctional Facility were relocated to Holman Correctional Facility. See *id.* at 2 ¶ 3. As a result,

the parties' proposal is to (1) remove from the list of proposed modifications the requirement for ADOC to make specific changes to death row cells at Donaldson; (2) add to the list of proposed modifications a requirement to make specific changes to "two ... crisis cells in S unit at Donaldson"; (3) add to the list of proposed modifications a requirement to provide "shower chairs for inmates with a disability house on death row at Holman [Correctional Facility]"; and (4) add to the list of proposed modifications a requirement to "assign[] and design[ate] ... correctional staff to provide rescue assistance for inmates with a disability house on death row at Holman." *Id.* at 2-3 ¶ 4(a)-(d).

The deadlines for these proposed modifications are as follows. The deadline for (2) would be June 1, 2021, *see id.* at 3 ¶ 4(b), the same as the deadline for the completion of all other specific changes that are part of what is known as the "Expedited List," *see* Joint Response to Order to Summarize Modifications (doc. no. 2678) at 4. Based on representations made on

the record during a status conference on February 6, 2020, the deadline for (3) would be no later than 28 days after this court's order; and the deadline for (4) would be no later than three days after this court's order.

Accordingly, based on these representations and for the reasons previously detailed in this court's prior order preliminarily approving modifications to the Phase 1 consent decree (doc. no. 2671), it is ORDERED as follows:

- (1) The parties' joint motion to preliminarily approve further modifications to the Phase 1 consent decree (doc. no. 2748) is granted.
- (2) In order to facilitate and assure clear notice of the proposed modification and to aid enforcement, the parties previously reduced their modifications of the Phase 1 consent decree to a single, comprehensive document (doc. no. 2678). The parties are to file an updated version of this document, such that the

summary includes the proposed modifications previously preliminarily approved as well as the further proposed modifications now preliminarily approved, by February 7, 2020.

DONE, this the 7th day of February, 2020.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE